

**In The Matter Of:**

***ROBERT A. FLAUGHER***

***vs.***

***CABELL HUNTINGTON HOSPITAL, INC., ET AL.***

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***DR. DAVID JUDE***

***September 10, 2014***

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**MERRILL LAD**

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**PLAINTIFF'S  
EXHIBIT**

**11**

tabbles

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT  
OF WEST VIRGINIA AT HUNTINGTON

\* \* \* \* \*

ROBERT A. FLAUGHER, as       \*  
Administer of the Estate     \*  
Of Shahnaz Rumman,           \*  
Plaintiff,                   \* Case No.  
vs.                           \* 3:13-cv-28460  
CABELL HUNTINGTON           \*  
HOSPITAL, INC., et al.,      \*  
Defendants.                   \*

\* \* \* \* \*

VIDEOTAPED DEPOSITION

OF

DR. DAVID JUDE

September 10, 2014

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1 A. I discussed --- I did not discuss her condition 12:35:57  
2 with the attending intensivist. I remember speaking to 12:36:00  
3 Dr. Kinnard, but I can't remember when and under what 12:36:05  
4 circumstances. 12:36:09

5 Q. All right. And are you claiming that Dr. --- is 12:36:10  
6 there any claim or contention on your part that Dr. 12:36:38  
7 Rumman did or didn't do anything that caused or 12:36:41  
8 contributed to her demise? 12:36:45

9 A. I don't know of any --- you know, again, when 12:36:47  
10 she initially presented, we didn't know of leaking 12:36:53  
11 fluid. Again, Dr. Gutierrez note's written after 12:36:57  
12 everything is confirmed. If she thought she was leaking 12:36:59  
13 fluid the previous day, I would have --- think that 12:37:03  
14 evaluating her the previous day when she thought she was 12:37:08  
15 leaking fluid would have been beneficial. 12:37:11

16 Q. But we don't know to the extent the fluid was 12:37:16  
17 leaking? 12:37:21

18 A. Again, if she --- she obviously --- I mean, by 12:37:21  
19 having an intrauterine infection, it's obvious that she 12:37:23  
20 had --- or appears to be obvious that she had been 12:37:26  
21 leaking fluid for some time. Had we known about it a 12:37:30  
22 day earlier and been able to treat her a day earlier, 12:37:34  
23 that we may have had a different outcome. 12:37:41

24 Q. Do you think it was negligent on her part for 12:37:43

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1 not going to the emergency room if she was leaking 12:37:46  
2 fluid? 12:37:49

3 A. I don't think you can say it was negligent on 12:37:51  
4 her part. I think that's a little strong. 12:37:52

5 Q. Okay. 12:37:52

6 A. And especially in light of the outcome in this 12:37:55  
7 case. I mean, people that are pregnant, you know, make 12:37:57  
8 decisions all the time about this is normal for 12:38:01  
9 pregnancy, or I think this is normal, or this is 12:38:03  
10 abnormal. And so, I don't think --- I mean I can't say 12:38:07  
11 that. 12:38:09

12 Q. You're not going to be claiming that? 12:38:09

13 A. No, I think that's kind of --- no. It's not 12:38:12  
14 quite the right thing to do. 12:38:16

15 Q. Okay. All right. 12:38:18

16 ATTORNEY GASTON: I just need a few 12:38:24  
17 minutes, but I think I'm done. If you could just give 12:38:25  
18 me one or two minutes. Unless counsel has questions. 12:38:29  
19 You can go ahead with your questions while I review my 12:38:34  
20 notes. But I don't know if your attorney or Ms. Brown 12:38:34  
21 has any questions. 12:38:38

22 ATTORNEY BROWN: I might have a couple 12:38:38  
23 questions, Doctor. Let me just review real quick. All 12:38:40  
24 right. You caught me off guard. One question I have. 12:38:44